

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IRENE NAJMOLA	:	CIVIL ACTION
	:	
v.	:	
	:	
WOMEN'S HEALTHCARE GROUP	:	
OF PA, ET AL.	:	NO. 13-6519

ORDER

AND NOW, this 24th day of July, 2014, upon consideration of the Defendants Chester County OB/GYN Services D/B/A Chester County OB/GYN Associates ("CCOGS") and The Chester County Hospital and Health System's ("The Chester County Hospital") (collectively the "Chester County Defendants") Motion to Dismiss Plaintiff's Complaint (Doc. No. 12), and the opposition and reply thereto, IT IS HEREBY ORDERED, for the reasons stated in a memorandum of law bearing today's date, that the motion is GRANTED IN PART, and DENIED IN PART as follows:

1. The motion to dismiss is GRANTED as to the plaintiff's age discrimination claims (Count I) against The Chester County Hospital and DENIED as to those claims against CCOGS. The plaintiff's age discrimination claims against The Chester County Hospital are DISMISSED WITHOUT PREJUDICE.

2. The motion to dismiss is DENIED as to the plaintiff's ERISA claim (Count II).

3. The motion to dismiss is GRANTED as to the plaintiff's FMLA claim (Count III). The plaintiff's FMLA claim against The Chester County Hospital and CCOGS is DISMISSED WITHOUT PREJUDICE.

4. To the extent the plaintiff seeks compensatory damages for pain and suffering and emotional distress and punitive damages, as distinct from liquidated damages, for her ADEA, ERISA, and FMLA claims, the motion is GRANTED and such claims are DISMISSED WITH PREJUDICE. The plaintiff's claim for punitive damages under the PHRA is also DISMISSED WITH PREJUDICE.

5. The plaintiff shall have thirty (30) days from the date of this order to file an amended complaint to correct the deficiencies discussed herein.

BY THE COURT:

/s/ Mary A. McLaughlin
MARY A. McLAUGHLIN, J.